

FEBRUARY 11, 1809.

Read the first and second time, and committed to a committee of the whole House, on Tuesday next.

A Bill

To interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.



1 Sec. 1. *Be it enacted by the senate and house of representatives of*
2 *the United States of America, in congress assembled,* That from and
3 after the passing of this act, the entrance of the harbors and waters
4 of the United States and of the territories thereof, be and the
5 same is hereby interdicted to all public ships and vessels belong-
6 ing to Great Britain or France, excepting vessels only which may
7 be forced in by distress, or by being pursued by an enemy, or
8 which are charged with dispatches or business from the govern-
9 ment to which they belong, and also packets having no cargo nor
10 merchandise on board. And if any public ship or vessel as afore-

11 said, not being included in the exception above mentioned, shall
12 enter any harbor or waters within the jurisdiction of the United
13 States, or of the territories thereof, it shall be lawful for the
14 president of the United States, or such other person as he shall
15 have empowered for that purpose, to employ such part of the land
16 and naval forces, or of the militia of the United States, or
17 the territories thereof, as he shall deem necessary, to compel such
18 ship or vessel to depart.

1 Sec. 2. *And be it further enacted,* That it shall not be lawful for
2 any citizen or citizens of the United States or the territories thereof,
3 nor for any person or persons residing or being in the same, to
4 have any intercourse with or to afford any aid or supplies to any
5 public ship or vessel as aforesaid, which shall, contrary to the
6 provisions of this act, have entered any harbor or waters within
7 the jurisdiction of the United States or the territories thereof,
8 and if any person shall, contrary to the provisions of this act,
9 have any intercourse with such ship or vessel, or shall afford any
10 aid to such ship or vessel, either in repairing the said vessel or in
11 furnishing her, her officers or crew with supplies of any kind or
12 in any manner whatever, or if any pilot or other person shall
13 assist in navigating or piloting such ship or vessel, unless it be
14 for the purpose of carrying her beyond the limits and jurisdiction
15 of the United States, every person so offending, shall forfeit and
16 pay a sum not less than one hundred dollars, nor exceeding ten
17 thousand dollars; and shall also be imprisoned for a term not less
18 than one month, nor more than one year,

1 *Sec. 3. And be it further enacted,* That from and after the
 2 day of next the entrance of the harbors and
 3 waters of the United States and the territories thereof, be and
 4 the same is hereby interdicted to all ships or vessels sailing under
 5 the flag of Great Britain or France, or owned in whole or in part
 6 by any citizen or subject of either; vessels hired, chartered or
 7 employed by the government of either country for the sole pur-
 8 pose of carrying letters or dispatches, and also vessels forced in
 9 by distress or by the dangers of the sea, or by being pursued by
 10 an enemy, only excepted. And if any ship or vessel sailing un-
 11 der the flag of Great Britain or France, or owned in whole or in
 12 part by any citizen or subject of either, and not excepted as afore-
 13 said, shall after the said day of next arrive,
 14 either with or without a cargo, within the limits of the United
 15 States or of the territories thereof, such ship or vessel, together
 16 with the cargo, if any, which may be found on board, shall be
 17 forfeited, and may be seized and condemned in any court of the
 18 United States or the territories thereof, having competent juris-
 19 diction.

1 *Sec. 4. And be it further enacted,* That from and after the
 2 twentieth day of May next, it shall not be lawful to import into
 3 the United States or the territories thereof, any goods, wares or
 4 merchandise whatever, from any port or place situated in Great
 5 Britain or Ireland, or in any of the colonies or dependencies of
 6 Great Britain, nor from any port or place situated in France, or in

7 any of her colonies or dependencies, nor from any port or place
 8 in the actual possession of either Great Britain or France. Nor
 9 shall it be lawful to import into the United States or the territo-
 10 ries thereof, from any foreign port or place whatever, any goods,
 11 wares or merchandise whatever, being of the growth, produce or
 12 manufacture of France, or of any of her colonies or dependencies,
 13 or being of the growth, produce or manufacture of Great Britain
 14 or Ireland, or of any of the colonies or dependencies of Great
 15 Britain, or being of the growth, produce or manufacture of any
 16 place or country in the actual possession of either France or
 17 Great Britain.

1 Sec. 5. *And be it further enacted*, That whenever any article or
 2 articles, the importation of which is prohibited by this act, shall
 3 after the twentieth of May be imported into the United States, or
 4 the territories thereof, contrary to the true intent and meaning of
 5 this act, or shall after the said twentieth of May be put on board
 6 of any ship or vessel, boat, raft or carriage, with intention of im-
 7 porting the same into the United States, or the territories thereof.
 8 all such articles, as well as all other articles on board the same
 9 ship or vessel, boat, raft or carriage, belonging to the owner of
 10 such prohibited articles, shall be forfeited; and the owner thereof
 11 shall moreover forfeit and pay treble the value of such articles.

1 Sec. 6. *And be it further enacted*, That if any article or articles
 2 the importation of which is prohibited by this act, shall after the
 3 twentieth of May, be put on board of any ship or vessel, boat,
 4 raft or carriage, with intention to import the same into the United

5 States, or the territories thereof, contrary to the true intent and
 6 meaning of this act, and with the knowledge of the owner or mas-
 7 ter of such ship or vessel, boat, raft or carriage, such ship or ves-
 8 sel, boat, raft or carriage shall be forfeited, and the owner and
 9 master thereof shall moreover each forfeit and pay treble the value
 10 of such articles.

1 Sec. 7. *And be it further enacted*, That if any article or articles,
 2 the importation of which is prohibited by this act, and which
 3 shall nevertheless be on board of any ship or vessel, boat, raft or
 4 carriage, arriving after the said twentieth of May next in the United
 5 States, or the territories thereof, shall be omitted in the manifest,
 6 report or entry of the master, or the person having the charge or
 7 command of such ship or vessel, boat, raft or carriage, or shall be
 8 omitted in the entry of the goods owned by the owner, or consigned
 9 to the consignee of such articles, or shall be imported, or landed,
 10 or attempted to be imported or landed, without a permit, the same
 11 penalties, fines and forfeitures shall be incurred and may be reco-
 12 vered, as in the case of similar omission or omissions, landing, im-
 13 portation, or attempt to land or import, in relation to articles liable
 14 to duties on their importation into the United States.

1 Sec. 8. *And be it further enacted*, That every collector, naval
 2 officer, surveyor or other officer of the customs, shall have the
 3 like power and authority to seize goods, wares and merchandise
 4 imported contrary to the intent and meaning of this act, to keep
 5 the same in custody until it shall have been ascertained whether
 6 the same have been forfeited or not, and to enter any ship or ves-

7 sel, dwelling house, store, building or other place, for the pur-
 8 pose of searching for and seizing any such goods, wares and mer-
 9 chandise, which he or they now have by law in relation to goods,
 10 wares and merchandise subject to duty, and if any person or per-
 11 sons shall conceal or buy any goods, wares or merchandise, know-
 12 ing them to be liable to seizure by this act, such person or persons
 13 shall, on conviction thereof, forfeit and pay a sum double the
 14 amount or value of the goods, wares and merchandise, so conceal-
 15 ed or purchased.

1 Sec. 9. *And be it further enacted*, That the following additions
 2 shall be made to the oath or affirmation taken by the masters or
 3 persons having the charge or command of any ship or vessel
 4 arrivng at any port of the United States, or the territories there-
 5 of after the twentieth of May, viz: "I further swear (or affirm)
 6 that there are not, to the best of my knowledge and belief, on
 7 board (*insert the denomination and name of the vessel,*) any goods,
 8 wares or merchandise, the importation of which into the United
 9 States, or the territories thereof is prohibited by law: And I do
 10 further swear (or affirm,) that if I shall hereafter discover or
 11 know of any such goods, wares or merchandise, on board the
 12 said vessel, or which shall have been imported in the same, I
 13 will immediately, and without delay, make due report thereof to
 14 the collector of the port of this district."

1 Sec. 10. *And be it further enacted*, That the following addition
 2 be made, after the twentieth of May, to the oath or affirmation
 3 taken by importers, consignees, or agents, at the time of entering

4 goods imported into the United States, or the territories thereof,
 5 viz. " I also swear (or affirm) that there are not, to the best of
 6 my knowledge and belief, amongst the said goods, wares and
 7 merchandise, imported or consigned as aforesaid, any goods,
 8 wares or merchandise, the importation of which, into the United
 9 States, or the territories thereof, is prohibited by law : And I do
 10 further swear (or affirm) that if I shall hereafter discover any
 11 such goods, wares or merchandise, amongst the said goods,
 12 wares and merchandise, imported or consigned as aforesaid, I will,
 13 immediately, and without delay, report the same to the collector
 14 of this district."

1 Sec. 11. *And be it further enacted*, That if either Great Britain
 2 or France shall revoke such of her orders, decrees, laws or edicts,
 3 as violate the lawful commerce and neutral rights of the United
 4 States, as generally acknowledged by the laws of nations, of which
 5 revocation the president of the United States shall give public
 6 notice by proclamation, the operation of this act, and also of the
 7 act laying an embargo on all ships and vessels in the ports and
 8 harbors of the United States, and the several acts supplementary
 9 thereto, shall, so far as relates to the nation making such revoca-
 10 tion, forthwith cease and determine: Provided, that all penalties
 11 and forfeitures which shall have been previously incurred by
 12 virtue of this, or of any other act, the operation of which shall
 13 so cease and determine, shall be recovered, and distributed in like
 14 manner as if the same had continued in full force and virtue :
 15 and vessels bound thereafter to any foreign port or place with

16 which commercial intercourse shall, by virtue of this section, be
 17 again permitted, shall give bond to the United States, with ap-
 18 proved security, in double the value of the vessel and cargo, that
 19 they shall not proceed to any foreign port, nor trade with any
 20 country, other than those with which commercial intercourse shall
 21 have been thus permitted.

1 Sec. 12. *And be it further enacted*, That so much of the act
 2 laying an embargo on all ships and vessels in the ports and har-
 3 bors of the United States, and of the several acts supplementary
 4 thereto, as forbids the departure of vessels owned by citizens of
 5 the United States, and the exportation of domestic and foreign
 6 merchandise to any foreign port or place other than Great Britain
 7 or France, or their colonies or dependencies, or places in the ac-
 8 tual possession of either, be, and the same is hereby repealed after
 9 the fourth day of March: *Provided*, That all penalties and for-
 10 feitures which shall have been previously incurred by virtue of
 11 so much of the said acts as is repealed by this act, or which have
 12 been or may hereafter be incurred by virtue of the said acts, on ac-
 13 count of any infraction of so much of the said acts as is not repeal-
 14 ed by this act, shall be recovered and distributed in like manner
 15 as if the said acts had continued in full force and virtue.

1 Sec. 13. *And be it further enacted*, That during the continuance
 2 of so much of the act laying an embargo on all ships and vessels
 3 in the ports and harbors of the United States, and of the several
 4 acts supplementary thereto, as is not repealed by this act, no ship
 5 or vessel bound to a foreign port with which commercial intercourse

6 shall, by virtue of this act, be again permitted, shall be allowed to
7 depart for such port unless the owner or owners, consignee or fac-
8 tor of such ship or vessel, shall, with the master, have given bond
9 with one or more sureties to the United States, in a sum double
10 the value of the vessel and cargo, that the vessel shall not leave
11 the port without a clearance, nor shall, when leaving the port, pro-
12 ceed to any port or place in Great Britain or France, or in the colo-
13 nies or dependencies of either, or in the actual possession of either,
14 nor be directly or indirectly engaged during the voyage in any
15 trade with such port, nor shall put any article on board of any
16 other vessel, and that she shall return to the United States (rea-
17 sonable time being allowed for performing the voyage) within the
18 time expressed by the bond; nor unless every other requisite
19 and provision of the second section of the act, intituled "An act
20 to enforce and make more effectual an act, entitled 'An act laying
21 an embargo on all ships and vessels in the ports and harbors of
22 the United States,' and the several acts supplementary thereto,"
23 shall have been complied with. And the party or parties to the
24 abovementioned bond shall within a reasonable time after the date
25 of the same, to be expressed in the said bond, produce to the col-
26 lector of the district from which the vessel shall have been cleared
27 a certificate of the landing of the same, in the same manner as is
28 provided by law for the landing of goods exported with the pri-
29 vilege of drawback; on failure whereof, the bond shall be put in
30 suit; and in every such suit, judgment shall be given against

31 the defendant or defendants, unless proof shall be produced of
 32 such relanding, or of loss at sea.

1 Sec. 14. *And be it further enacted*, That so much of the act
 2 laying an embargo on all ships and vessels in the ports and har-
 3 bors of the United States, and of the several acts supplementary
 4 thereto, as compels vessels licensed for the coasting trade, or boats,
 5 either not masted, or not decked, to give bond and to load under
 6 the inspection of a revenue officer, or renders them liable to de-
 7 tention, merely on account of the nature of their cargo (such pro-
 8 visions excepted as relate to districts adjacent to the territories,
 9 colonies or provinces of a foreign nation, or to vessels belonging
 10 or bound to such districts,) be, and the same is hereby repealed,
 11 from and after the fourth day of March next : *Provided, however*,
 12 That all penalties and forfeitures which shall have been previous-
 13 ly incurred by any of the said acts, or which may hereafter be in-
 14 curred by virtue of the said acts, on account of any infraction of
 15 so much of the said acts, as is not repealed by this act, shall be
 16 recovered and distributed in like manner as if the same had con-
 17 tinued in full force and virtue.

1 Sec. 15. *And be it further enacted*, That during the continuance
 2 of so much of the act laying an embargo on all ships and vessels
 3 in the ports and harbors of the United States, and of the several
 4 acts supplementary thereto, as is not repealed by this act, no ves-
 5 sel, licensed for the coasting trade, shall be allowed to depart from
 6 any port of the United States, or shall receive a clearance, nor

7 shall it be lawful to put on board any such vessel any species of
 8 goods, wares or merchandize, unless a permit shall have been
 9 previously obtained from the proper collector, or from a revenue
 10 officer, authorized by the collector to grant such permits ; nor un-
 11 less the owner, consignee, agent or factor shall, with the master,
 12 give bond, with one or more sureties, to the United States, in a
 13 sum double the value of the vessel and cargo, that the vessel
 14 shall not proceed to any foreign port or place, and that the cargo
 15 shall be relanded in some port of the United States : *Provided,*
 16 That it shall be lawful and sufficient in the case of any such ves-
 17 sel, whose employment has been uniformly confined to rivers, bays
 18 and sounds within the jurisdiction of the United States, to give
 19 bond in an amount equal to one hundred and fifty dollars, for each
 20 ton of said vessel, with condition that such vessel shall not during
 21 the time limited in the condition of the bond, proceed to any fo-
 22 reign port or place, or put any article on board of any other vessel,
 23 or be employed in any foreign trade.

1 Sec. 16. *And be it further enacted,* That if any ship or vessel
 2 shall, during the continuance of so much of the act laying an
 3 embargo on all ships and vessels in the ports and harbors of the
 4 United States, and of the several acts supplementary thereto, as is
 5 not repealed by this act, depart from any port of the United States
 6 without a clearance or permit, or having given bond in the manner
 7 provided by law, such ship or vessel, together with her cargo,
 8 shall be wholly forfeited ; and the owner or owners, agent, freight-

9 er or factors, master or commander of such ship or vessel, shall,
 10 moreover, severally forfeit and pay a sum equal to the value of the
 11 ship or vessel, and of the cargo put on board the same.

1 Sec. 17. *And be it further enacted*, That all penalties and for-
 2 feitures arising under, or incurred by virtue of this act, may be
 3 sued for, prosecuted, and recovered, with costs of suit, by action of
 4 debt, in the name of the United States of America, or by indict-
 5 ment or information, in any court having competent jurisdiction to
 6 try the same ; and shall be distributed and accounted for in the
 7 manner prescribed by the act, intituled “An act to regulate the col-
 8 lection of duties on imports and tonnage,” passed the second day of
 9 March, one thousand seven hundred and ninety-nine ; and such
 10 penalties and forfeitures may be examined, mitigated or remitted,
 11 in like manner, and under the like conditions, regulations and re-
 12 strictions, as are prescribed, authorized and directed by the act, in-
 13 tituled “ An act to provide for mitigating or remitting the forfeit-
 14 ures, penalties and disabilities, accruing in certain cases therein
 15 mentioned,” passed the third day of March, one thousand seven
 16 hundred and ninety-seven, and made perpetual by an act passed
 17 the eleventh day of February, one thousand eight hundred.